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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,824	03/22/2001	Wayne T. Karpoff	019417-000210US	6397

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EXAMINER

MANIWANG, JOSEPH R

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/815,824

Applicant(s)

KARPOFF, WAYNE T.

Examiner

Joseph R. Maniwang

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-36 and 38-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-34, 36 and 38-47 is/are rejected.
- 7) ☒ Claim(s) 35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

2. Claims 25-36 and 38-47 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Independent claim 30 recites "in response to the synchronization message, transferring the second block of data directly to the first client device from the second controller device." The term "directly" is a relative term which renders the claim indefinite. The term "directly" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.
4. Independent claim 39 recites "controlling, by the first controller device, the delivery of the requested streaming data directly to the first client device over the data communication network by both the first controller device and a second controller device." Examiner submits that the limitation is grammatically unclear. It is unclear which device(s) controls or delivers data, and it is further unclear what claimed aspect is considered to be direct. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. Claims 25-34, 36, and 38-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Wolf et al. (U.S. Pat. No. 6,463,508), hereinafter referred to as Wolf.

6. Regarding claim 30, Wolf disclosed a method and system comprising receiving, by a server, a request from a first client device over the data communication network, the request identifying streaming data content stored on a storage system (see column 4, lines 27-30); transmitting a data request message from the server to a first controller device associated with the storage system, the data request message identifying the first client device and the data content requested by the first client device (see column 31-35); retrieving a first block of the data content from the storage system by the first controller device (see column 4, lines 58-61); sending a second data request message from the first controller device to a second controller device associated with the storage system, the second data request message identifying the first client device and a second block of the data content (see column 5, lines 1-3); retrieving the second block of the data content from the storage system by the second controller device (see column 5, lines 1-3); transferring the first block of data directly to the first client device from the first controller device (see column 5, lines 15-17); sending a synchronization message from the first controller device to the second controller device (see column 5, lines 15-17); and in response to the synchronization message, transferring the second block of data directly to the first client device from the second controller device (see column 5, lines 21-24).

7. Regarding claim 31, Wolf disclosed the method and system wherein the steps of retrieving the data blocks, each include reading the data block from the storage system and applying one of an encryption and a decompression algorithm to the read data block (see column 8, lines 27-39).
8. Regarding claim 32, Wolf disclosed the method and system wherein the first and second controller devices are communicably coupled over a bus (see column 3, lines 23-25; Fig. 1).
9. Regarding claim 33, Wolf disclosed the method and system wherein the first and second controller devices are communicably coupled over a storage area network (see column 3, lines 23-25; Fig. 1).
10. Regarding claim 34, Wolf disclosed the method and system wherein the first and second controller devices are communicably coupled to the storage system over a storage area network (see column 3, lines 18-25; Fig. 1).
11. Regarding claim 36, Wolf disclosed the method and system wherein the first controller device communicates with the storage system over a storage area network (see column 3, lines 18-25; Fig. 1).
12. Regarding claim 38, Wolf disclosed the method and system wherein the first controller device is located in a network switch device coupled to the data communication network (see column 3, lines 42-64; Fig. 2).
13. Regarding claim 25, Wolf disclosed the method and system wherein the first and second controller devices are located in geographically remote locations relative to each other (see column 8, lines 49-54).

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14. Regarding claim 26, Wolf disclosed the method and system wherein the first and second controller devices communicate over a second data communication network different from the first data communication network (see column 3, lines 18-25; Fig. 1).

15. Regarding claim 27, Wolf disclosed the method and system wherein the server communicates with the first controller device over the first data communication network (see column 3, lines 18-41; Fig. 1).

16. Regarding claim 28, Wolf disclosed the method and system wherein the second controller communicates with the first client device over the first data communication network (see column 3, lines 18-41; Fig. 1).

17. Regarding claim 29, Wolf disclosed the method and system wherein the second controller device communicates with the storage system over a storage area network (see column 3, lines 18-25; Fig. 1).

18. Regarding claim 39, Wolf disclosed a method and system comprising receiving, by a first controller device, a request sent by a first client device to a server over the data communication network, the request identifying streaming data content stored on a storage system, wherein the first controller device and the server are coupled by the data communication network (see column 4, lines 27-30); processing the request by the first controller device (see column 4, lines 30-31); and controlling, by the first controller device, the delivery of the requested streaming data directly to the first client device over the data communication network by both the first controller and a second controller device (see column 5, lines 15-17).

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19. Regarding claim 40, Wolf disclosed the method and system including retrieving, by the first controller device, a first portion of the streaming data content from the storage system over the SAN (see column 4, lines 58-61); and transferring the retrieved first portion of the data content directly to the first client device over the data communication network from the first controller device (see column 5, lines 15-17).

20. Regarding claim 41, Wolf disclosed the method and system further including sending the request to a server (see column 4, lines 27-30).

21. Regarding claim 42, Wolf disclosed the method and system further including notifying the server that the request is being processed by the first controller device (see column 4, lines 31-35).

22. Regarding claim 43, Wolf disclosed the method and system including transmitting a data request message from the first controller device to the second controller device, wherein the data request message identifies the first client device and the data content requested by the first client device, and wherein the second controller device is coupled to the storage system over a storage area network (SAN) (see column 5, lines 1-3); retrieving, by the second controller device, a second portion of the streaming data content from the storage system over the SAN (see column 5, lines 1-3); and transferring the second portion of the retrieved data content directly to the first client device over the data communication network from the second controller device (see column 5, lines 21-24).

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23. Regarding claim 44, Wolf disclosed the method and system wherein the first and second controller devices are coupled by a communication bus (see column 3, lines 18-25; Fig. 1).

24. Regarding claim 45, Wolf disclosed the method and system wherein the communication bus is a PCI bus (see column 3, lines 18-25; Fig. 1).

25. Regarding claim 46, Wolf disclosed the method and system wherein the first controller device is located in a first network switch device coupled to the data communication network and wherein the second controller device is located in a second network switch device coupled to the data communication network (see column 3, lines 42-64; Fig. 2).

26. Regarding claim 47, Wolf disclosed the method and system wherein the first and second controller devices communicate over one of the data communication network and a back end network (see column 3, lines 42-64; Fig. 2).

Claim Objections

27. Claim 35 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

28. Applicant's arguments filed 12/27/05 have been fully considered but they are not persuasive.

29. Regarding claims 26-28 rejected under 35 U.S.C. 112(2), Examiner acknowledges Applicant's amendment in overcoming the claims. The rejection has been withdrawn. However, claims 25-36 and 38-47 are rejected with new grounds of rejection under 35 U.S.C. 112 as detailed above.

30. Regarding claims 25-36 and 38-47 rejected under 35 U.S.C. 102(e) as being anticipated by Wolf et al. (U.S. Pat. No. 6,463,508), Applicant first asserts that the reference does not teach "sending a synchronization message from the first controller device to the second controller device". Examiner submits that reference reads upon this broad limitation as Wolf disclosed sending a prefetch request from the first proxy to the second proxy (see column 5, lines 8-29). Such a request can be broadly considered to be a synchronization message, as the delivered data responsive to the request was "delivered based on the timing requirement of the media delivery" and the prefetch request requested media blocks starting from a certain block number. The inherent timing information contained within the request causes a synchronization of the delivered data and thus reads upon the "synchronization message" as claimed. Additionally, Applicant asserts that the reference does not teach "in response to the synchronization message, transferring the second block of data directly to the first client device from the second controller device." Examiner submits that such a direct delivery is a relative term, and as Wolf discloses delivery of the media object to the client in a path to the client and in a timely manner, Wolf thus reads upon the broad limitation as claimed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shomler (U.S. Pat. No. 6,567,853)

Carr (U.S. Pat. No. 6,574,795)

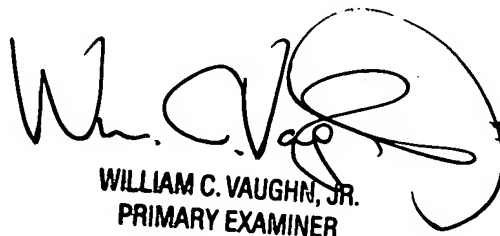
Lin et al. (U.S. Pat. No. 6,405,256)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph R. Maniwang whose telephone number is (571) 272-3928. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM


WILLIAM C. VAUGHN, JR.
PRIMARY EXAMINER